

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00255-MR-DLH**

AMY LYNN McCLELLAN,

Plaintiff,

VS.

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment [Doc. 12]; the Defendant's Motion for Summary Judgment [Doc. 14]; and the Magistrate Judge's Memorandum and Recommendation [Doc. 16] regarding the disposition of those motions.

Pursuant to 28 U.S.C. § 636(b) and a specific Order of referral of the District Court, the Honorable Dennis L. Howell, United States Magistrate Judge, was designated to consider these pending motions in the above-captioned action and to submit to this Court a recommendation for the disposition of these motions.

On October 8, 2013, the Magistrate Judge filed a Memorandum and Recommendation [Doc. 16] in this case containing proposed conclusions of law in support of a recommendation regarding the motions [Docs. 12 and 14]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. The period within which to file objections has expired, and no written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation [Doc. 16], the Court finds that the proposed factual findings are correct and the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's Motion for Summary Judgment be granted and that the decision of the Commissioner be affirmed.


IT IS, THEREFORE, ORDERED that the Magistrate Judge's Memorandum and Recommendation [Doc. 16] is **ACCEPTED**; the Plaintiff's Motion for Summary Judgment [Doc. 12] is **DENIED**; the Defendant's Motion for Summary Judgment [Doc. 14] is **GRANTED**; and the decision of the Commissioner is **AFFIRMED**.

IT IS FURTHER ORDERED that this case is hereby **DISMISSED**
WITH PREJUDICE.

A judgment shall be entered simultaneously herewith.

IT IS SO ORDERED.

Signed: October 28, 2013


Martin Reidinger
United States District Judge

